

73/Rep. to
Re-Set Oral
Hrg.

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appl. No. : 09/315,796
Applicant : Davis et al.
Filed : May 20, 1999
For : Combined Lithographic/Flexographic
Printing Apparatus and Process
Examiner : Stephen Funk
Docket No. : 111667-1006

MOTION TO RE-SET ORAL HEARING ON APPEAL

Williamson Printing Corporation (Appellant) hereby moves the Board to re-set the oral hearing on appeal scheduled for February 3, 2003. In support thereof, Appellant submits the following:

1. On or about November 25, 2003 The Board of Patent Appeals and interferences sent to Appellant's attorneys a Notice of Hearing via first class mail.

2. On or about January 14, 2004, Ms. Tina Lee of the Board of Patent Appeals and Interferences telephoned the undersigned to inquire as to Appellant's attendance at the hearing.

3. Upon a subsequent review of the Notice of Hearing, it was determined that the Notice was timely received at the office of Appellant's attorneys, but was

apparently, upon information and belief, misfiled by the mail personnel handling incoming Patent Office mail.

4. All personnel presently involved with handling incoming mail have again been reminded of the proper procedures which had been put in place to assure timely and accurate handling of incoming mail from the Patent Office, in order that such misfiling may be avoided in the future.


5. After Ms. Lee's telephone call, Appellant was advised of the pending hearing. It now appears that one of the senior attorneys which should present oral argument on behalf of Appellant at the hearing before the Board of Patent Appeals and Interferences is presently scheduled for oral argument on the very same day, February 3, 2003, before the United States Court of Appeals for the Fifth Circuit.

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In summary, owing to the unavoidable delay in receiving timely notice of the hearing resulting from misfiling, combined with the present unavailability of preferred counsel to argue the appeal on behalf of Appellant, Appellant respectfully requests that the hearing be re-set to a later date convenient to the Board's schedule.

Respectfully submitted,
GARDERE WYNNE SEWELL, L.L.P.

Dated: 1-19-2004


Kenneth T. Emanuelson,
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DATE January 19, 2004

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